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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,741	10/20/2003	Yukio Umemura	062709-0114	9262
22428	7590	05/07/2007		
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER WEINSTEIN, LEONARD J	
			ART UNIT	PAPER NUMBER
			3746	
			MAIL DATE	DELIVERY MODE
			05/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/687,741

Applicant(s)

UMEMURA, YUKIO

Examiner

Leonard J. Weinstein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the amendment of March 7, 2007. In making the below rejections and/or objections the examiner has considered and addressed each of the applicant's arguments.

#### ***Claim Objections***

2. Claims 2-10 and 11-12 objected to because of the following informalities: "to the other of the driven member and the drive member." As best understood by the examiner the link between the driven and drive member can engage either member by being rotatably mounted on to either member depending on the configuration as disclosed. For the purpose of clarity the examiner suggests the following ---to the other of the driven member and the drive member that the link disengages from---. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Skrobisch. Skrobisch teaches all the limitations as substantially claimed for a power transmission including: a driven member 70 rotatable by an engine via 80, a drive member 26 rotatable coaxially with the driven member 70 to rotate a shaft 40, and a link 52 interconnecting the driven member 70 and the drive member 26 with each other in a crossing direction relative to the drive shaft 40, the link 52 being disengageable from one of the driven member 70 and the drive member 26, as shown in figures 3 and 5-6, wherein said link 52 has a

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hole 50 at one end portion thereof and an open end slot 56 at the other end portion thereof to form a deformable end portion (fig. 6, col. 3 ll. 57-64); a link 52 is rotatably mounted (col. 2 ll. 56-59) to the other of the driven member 70 and the drive member 26; the other of the driven member 70 and the drive member 26 includes a locking member 74 configured to lock with the link 52 disengaged from the one of the driven member 70 and the drive member 26; the locking member 74 includes a resilient member slidably pressing the link 52 against the other of the driven member 70 and the drive member 26, as shown in figure 2; one of a driven member 70 and a drive member 26 includes a first engagement member, element 44 of element 26, and the other of a driven member 70 and a drive member 26 includes a second engagement member 74, wherein a hole 50 is fitted with the first engagement member 44 and the open end slot 56 is fitted with the second engagement member 74; a first engagement member 44 being deformable; a first engagement member 44 is integrated with the one of the driven member 70 and the drive member 26, and the second engagement member 74 is integrated with the other of the driven member 70 and the drive member 26 as discussed; a link 52 provided interposed between the driven member 70 and the drive member 26, as shown in figure 2; a second engagement member 74 passes through the open end slot guide 58 to disengage from the link 58, as shown in figure 3; and links 52 are arranged about the shaft 40 at an equal angular interval, as shown in figure 3.

***Claim Rejections - 35 USC § 103***

5. Claims 1-8 and 11-12 are rejected under 35 U.S.C. 102(b) as anticipated by Skrobicsh or, in the alternative, under 35 U.S.C. 103(a) as obvious over Skrobisch 4,825,992 in view of Hatekeyama 5,944,156. Skrobicsh teaches all the limitations as substantially claimed and discussed but fails to teach a transmission for a compressor as taught by Hatakeyama. It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the clutch mechanism of the transmission of Skrobisch to be applied on a compressor to prevent damage to component parts of a driving motor due torque overload (Skrobisch col. 1 ll. 42-47 and Hatakeyama col. 3 ll. 9-12).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skrobisch. Skrobisch teaches all the limitations as substantially claimed but fails to teach the limitation of a link including plates of an identical shape stacked on each other considered to be a duplication of parts. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a link composed of a stack of identically shaped plates to increase the durability and strength of the link.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-10 and 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited on form 892 herewith.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of

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the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. Weinstein whose telephone number is 571-272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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